

SENATE BILL 164

C4

(PRE-FILED)

2lr0448
CF HB 119

By: **Senator Feldman**

Requested: September 9, 2021

Introduced and read first time: January 12, 2022

Assigned to: Finance

Committee Report: Favorable

Senate action: Adopted

Read second time: February 8, 2022

CHAPTER _____

1 AN ACT concerning

2 **Insurance – Annuities – Nonforfeiture – Interest Rate**

3 FOR the purpose of altering the minimum interest rate used to determine minimum
4 nonforfeiture amounts for annuity contracts; and generally relating to annuities and
5 nonforfeiture.

6 BY repealing and reenacting, with amendments,
7 Article – Insurance
8 Section 16–504
9 Annotated Code of Maryland
10 (2017 Replacement Volume and 2021 Supplement)

11 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
12 That the Laws of Maryland read as follows:

13 **Article – Insurance**

14 16–504.

15 (a) The minimum values specified under §§ 16–505 through 16–509 of this
16 subtitle of any paid-up annuity, cash surrender, or death benefits under an annuity
17 contract shall be based on minimum nonforfeiture amounts calculated under this section.

18 (b) (1) At any time before or at the start of any annuity payments, the

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 minimum nonforfeiture amount under an annuity contract shall equal the remainder of:

2 (i) the accumulation until that time, of the net considerations paid
3 prior to that time, at an interest rate determined under subsection (c) of this section; less

4 (ii) the sum of:

5 1. any withdrawal from or partial surrender of the contract
6 accumulated at the interest rate determined under subsection (c) of this section;

7 2. an annual contract charge of \$50 accumulated at the
8 interest rate determined under subsection (c) of this section;

9 3. any premium tax actually paid by the company for the
10 contract, not to include a premium tax credited back to the company, accumulated at the
11 interest rate determined under subsection (c) of this section; and

12 4. any indebtedness to the insurer on the contract, including
13 interest due and accrued.

14 (2) The net considerations for a given contract year used to calculate the
15 minimum nonforfeiture amount shall equal 87.5% of the gross considerations credited to
16 the contract during that contract year.

17 (c) (1) The interest rate used to determine the minimum nonforfeiture
18 amounts under subsection (b) of this section shall be an annual rate of interest that is equal
19 to the lesser of:

20 (i) 3% per year; or

21 (ii) the 5-year constant maturity treasury rate reported by the
22 Federal Reserve Board.

23 (2) The 5-year constant maturity treasury rate under paragraph (1)(ii) of
24 this subsection shall be:

25 (i) 1. as of a date not more than 15 months before either the
26 contract issue date or redetermination date; or

27 2. averaged over a period of not more than 15 months before
28 the contract issue date or redetermination date; and

29 (ii) rounded to the nearest one-twentieth of 1% and then reduced by
30 125 basis points.

31 (3) The interest rate calculated under paragraphs (1) and (2) of this
32 subsection may not be less than [1%] **0.15%**.

1 (4) (i) The interest rate calculated under paragraphs (1) and (2) of this
2 subsection:

3 1. shall apply to the initial contract period; and

4 2. may be redetermined for additional periods.

5 (ii) The contract shall state:

6 1. whether the interest rate will be redetermined; and

7 2. the interest rate redetermination date, basis, and period,
8 if any.

9 (d) (1) During the period that a contract provides for substantive participation
10 in an equity index benefit, the insurer may increase the 125 basis points under subsection
11 (c)(2)(ii) of this section up to an additional 100 basis points to reflect the value of the equity
12 index benefit.

13 (2) On the issue date of the contract, and on each redetermination date, the
14 present value of the additional reduction may not exceed the market value of the equity
15 index benefit.

16 (3) (i) The Commissioner may require the insurer to demonstrate that
17 the present value of the additional reduction does not exceed the market value of the equity
18 index benefit.

19 (ii) If the Commissioner finds that the demonstration under
20 subparagraph (i) of this paragraph is inadequate, the Commissioner may disallow or limit
21 the additional reduction.

22 (e) (1) The Commissioner may adopt regulations to implement the provisions
23 of this section.

24 (2) The regulations under paragraph (1) of this subsection may provide for:

25 (i) adjustments to the calculation of the minimum nonforfeiture
26 amount for contracts that provide substantive participation in an equity index benefit; and

27 (ii) adjustments for other contracts as determined by the
28 Commissioner.

29 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall apply to all
30 annuities and annuity contracts issued on or after October 1, 2022.

31 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect

1 October 1, 2022.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.